IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P.No.2722 of 2005
Date of Decision : 24.03.2008

Ram Singh .....Petitioner

versus

Union of India and others .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MR.JUSTICE MOHINDER PAL

Present : Shri Sarabjit Khaira, Advocate for the petitioner.
Shri Tribhuwan Dahiya, Advocate for the respondents.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JUDGMENT

HEMANT GUPTA, J.

The challenge in the present writ petition is to the order Annexure P-3, dated 12.1.2004, whereby the period from the date of dismissal of the petitioner from service to the date of his rejoining in consequence to the Court directions, was treated as period of deemed suspension.

It is the case of the petitioner that an order was passed on 17.4.1999 dismissing the petitioner from service of the respondents-Central Reserve Police Force (hereinafter referred to as the CRPF). The said order

of dismissal was challenged by the petitioner before the Civil Court. The Civil Court vide judgment and decree dated 23.11.2001, Annexure P-1, set aside the order of dismissal and the matter was remitted to the Disciplinary Authority to follow the matter correctly after permitting the petitioner to join the enquiry proceedings and then to take action in accordance with law.

Subsequent to the said order, the punishment has been imposed upon the petitioner vide order dated 9.9.2002, Annexure P-2, whereby the pay of the petitioner was ordered to be reduced by lower stages from Rs.3275 to Rs.3050, for a period of four years with effect from 1.9.2002. However, in respect of the intervening period, the order Annexure P-3 has been passed in January, 2004 and subsequently in March, 2004, the period between the date of dismissal of the petitioner till the date of the order of the Court, was treated as period of deemed suspension.

Learned counsel for the petitioner has vehemently argued that the period spent before the Civil Court which lead to the setting aside of the order of dismissal of services of the petitioner, should be treated as period spent on duty. However, we do not find any merit in the said argument of the learned counsel for the petitioner. Once the Civil Court has set-aside the dismissal order, then it was for the Disciplinary Authority to pass appropriate order in respect of intervening period. After the order was passed by the Civil Court, the punishment of reduction of pay has been imposed upon the petitioner. Consequent to such order of reduction of pay, the Disciplinary Authority is competent to pass the order in respect of the intervening period that the petitioner is not entitled to any amount over and above the suspension period.

In view thereof, we do not find any illegality or the irregularity in the order Annexure P-3, which may warrant interference of this Court in exercise of the writ jurisdiction.

The writ petition stands dismissed.

(HEMANT GUPTA)
JUDGE

24-03-2008
**mohinder*

(MOHINDER PAL)
JUDGE